



United States Department of Agriculture

Understanding the 2014 Farm Bill

Conservation Programs

Everything you need to know about the:

- ▶ Agricultural Management Assistance (AMA) program
- ▶ Conservation Stewardship Program (CSP)
- ▶ Environmental Quality Incentives Program (EQIP)

What's inside...

Applying for and participating in federal conservation programs can be complex. This handbook is designed to help you understand the application and ranking process, as well as your responsibilities as a Farm Bill program participant. The conservation professionals in your local NRCS office are always ready to explain the details and answer questions.

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IMPORTANT



Sometimes there is a waiting list to have NRCS staff help you develop a conservation plan. If you are interested in pursuing a conservation plan, please contact your local NRCS office as soon as possible to begin the process.

TIP



Bring your last tax return with you to your appointment with the USDA Farm Service Agency (FSA) and NRCS.

IMPORTANT



It's your responsibility to work with FSA to establish program eligibility and to resolve any conflicts before an application for an NRCS program can be considered for funding.

The Five Steps to NRCS Assistance

1. Planning

- Call or visit your local NRCS field office for information on our programs and assistance
- Describe your agricultural operation and discuss problems on your land that you want to correct.
- Make an appointment for a site visit with an NRCS conservation planner.
- Walk the property, identify farm goals and objectives, and natural resource concerns and discuss alternatives with the planner.
- Begin developing a conservation plan with the planner.
- Several site visits with the planner and technical specialists may be scheduled.
- Financial assistance may be available to help you implement practices.

2. Application for financial assistance

- Request an application packet.
- Establish farm records with the USDA Farm Service Agency (FSA).
- Complete eligibility paperwork and request a DUNS number and SAM registration, if applicable.
- Submit a complete application package. See table on page 3.

3. Eligibility determination

- Your eligibility for the program is reviewed, including Highly Erodible Land and Adjusted Gross Income certifications and certain FSA eligibility requirements.
- Several field visits may be necessary with NRCS planners/specialists to evaluate land and practice eligibility.
- Cost estimates and draft designs are given to you. You can check with local contractors for actual prices.
- You finalize decisions and practices for the application.
- We finalize your conservation plan, initiate other eligibility, and complete a Massachusetts Natural Heritage check and cultural resources review.
- You and the planner determine in which program sub-account you will compete.

4. Evaluation and ranking

- If land, applicant and other eligibility are cleared, and final decisions are made, the planner will run the ranking tool for the application.
- Applications will be considered each ranking batching date and approved based on ranking score.
- Applications will continue to be considered for funding until September or when funding has been exhausted.
- You will be notified no later than September about whether your application was funded.

5. Contract and implementation

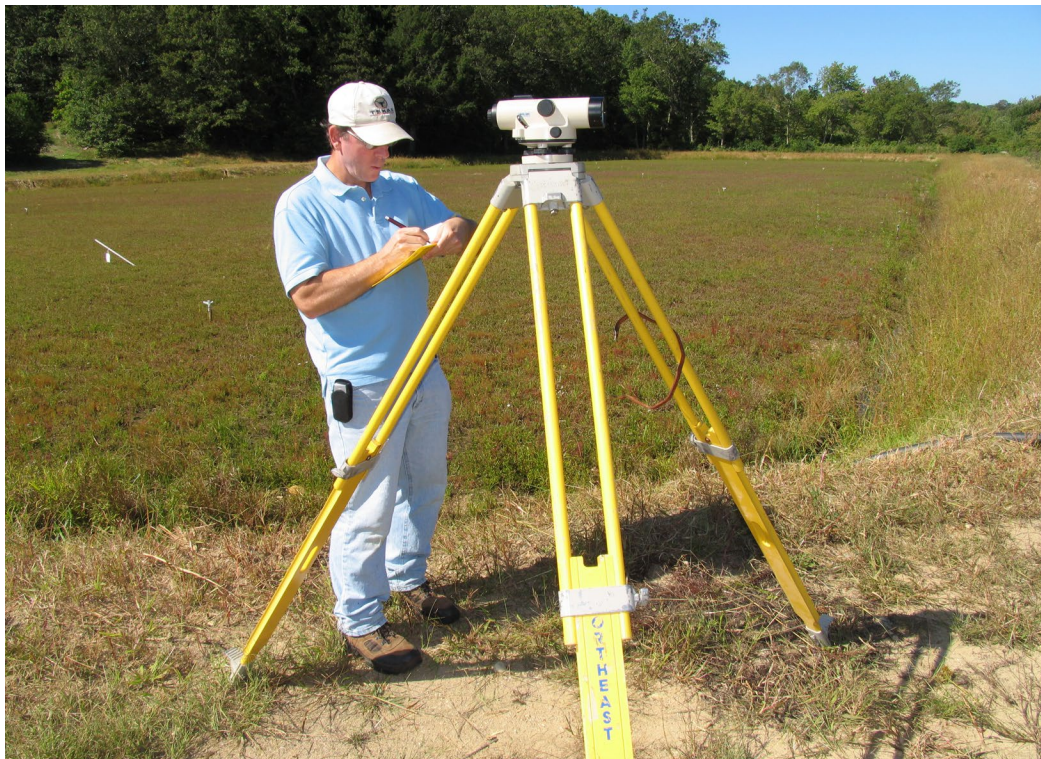
- If your application is selected, you can choose whether to sign the contract for the work to be done.
- Once you sign the contract, you'll be provided standards and specifications for completing the practice or practices, and then you will have a specified amount of time to implement.
- Once the work is implemented and inspected, you'll be paid the rate of compensation for the work if it meets NRCS standards and specifications.

The Program Application Package

The official application form is just part of the application package that you'll prepare and submit with the help of USDA staff. Components of an application package include:

Document	Form Number or Explanation
Conservation Program Application and Appendix	Form NRCS-CPA-1200
Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information	Form CCC-931 (FSA)
Highly Erodible Land/Wetland Conservation Certification (HEL/WC)	Form AD-1026 (FSA)
Members' Information	Form CCC-901– all members of an entity must meet eligibility requirements (FSA)
Dun & Bradstreet number (DUNS) and active registration in the System for Award Management (SAM)	Required for all entities
Documentation of control of the land for the contract period	Deed, lease or other written authorization from the landowner such as NRCS Farm Bill Conservation Programs Land Eligibility Certification Form
Direct Deposit Form	Electronic Fund Transfer for payments
Power of Attorney form	Form NRCS-CPA-09 or Form FSA-211. Required for an entity
Request for Taxpayer Identification Number and Certification	W-9 Form or a copy of last year's IRS-1040 Tax Form to verify tax identification number and associated name.

Note. Items not specifically identified as an FSA form should be submitted to NRCS.



IMPORTANT

★ Be sure that the name you register with FSA is the exact name you have registered with the IRS and is the same name on your NRCS program application. If your application is selected for funding but NRCS is unable to match your name in the IRS database, you will not be able to get a contract for NRCS assistance.

TIP

▶ Applications may be submitted at any time once you have a conservation plan and have decided on the practices you are ready to install or implement.

NRCS will receive and fund applications on a monthly basis, December through August, until all funds have been exhausted. Applications not selected one month will automatically carry over to the next month.

Contact your local NRCS office as soon as possible if you need to start or update your conservation plan.

What is a funding pool?

FAQ A funding pool refers to an amount of money that NRCS has set aside for a special category of applications.

Examples include national initiatives like certified organic, transitioning to organic, on-farm energy, water quality in the Palmer River watershed, New England Cottontail habitat, and conservation activity plans; landscape pools for cropland, pasture & hayland, farmsteads, high tunnel systems, forestland, wildlife habitat; and pools for underserved farmers, including beginning, limited resource, and socially disadvantaged farmers, and Indian tribes.

Each funding pool has its own ranking criteria and applicants will compete only with other applicants in that specific pool. Work with NRCS staff to determine in which pool is the best fit for your application.

IMPORTANT

Read the Appendix to your contract carefully and understand the terms of a conservation program contract prior to signing an application.

Is there help for new, limited-resource and socially disadvantaged farmers?

FAQ

The 2014 Farm Bill continues to address the unique circumstances and concerns of socially disadvantaged farmers, as well as beginning and limited resource farmers. It provides for voluntary participation, offers incentives, and focuses on equity in accessing USDA programs and services. Enhancements include:

- ▷ Dedicated funds – at least 10 percent of EQIP funds are dedicated to socially disadvantaged and beginning farmers
- ▷ Higher payment rates – up to 25 percent higher than the standard practice payment rates
- ▷ Advanced payments – up to 50 percent of a practice payment is available immediately prior to installation to help with up-front cost of materials and contracting.

To see if you qualify for these benefits go to www.lrftool.sc.egov.usda.gov.

The Ranking Process

Applications are evaluated, ranked and selected for funding on a continuous basis. All eligibility requirements, including SAM registration, must be complete prior to application evaluation.

Evaluation criteria is specifically designed for each funding pool, based on national, state and local natural resource priorities and concerns. All eligible applications in each funding pool will be batched and ranked the third Friday of each month.

Funding decisions will be based on a statewide threshold score specific to each funding pool. Threshold scores will be higher in the beginning months and will be relaxed as the year progresses, depending on the range of scores and number of applications received.

Examples of ranking questions include:

- ▶ Will the proposed project improve water quality by reducing impacts from sediment, nutrients, salinity, or pesticides on land adjoining or draining to a water body?
- ▶ Will the proposed project conserve water by implementing irrigation practices that reduce on-farm water use?
- ▶ Will the proposed project improve soil health by reducing erosion to tolerable limits (Soil “T”)?
- ▶ Will the proposed project improve wildlife habitat by implementing practices benefitting threatened and endangered, at-risk, candidate, or species of concern?
- ▶ Will the proposed project improve plant and animal communities by implementing practices that result in the management or control of noxious or invasive plant species on non-cropland?
- ▶ Will the proposed project conserve energy by reducing on-farm energy consumption?
- ▶ Will the proposed practices result in enhancement of existing conservation practices or conservation systems already in place at the time of application?

Evaluation and ranking questions are available online at <http://www.nrcs.usda.gov/wps/portal/nrcs/site/ma/home/> or may be requested from any NRCS office. Each applicant will receive their own ranking summary report.

What Happens Next?

You will be notified by mail or by phone about whether your application was selected for funding. Since sign-up is continuous, the time from when an application is submitted to when the applicant is notified varies.

If your application does not rank high enough for selection it will automatically roll over into the following ranking periods until either it is selected or funds are exhausted. You may also revise your plan and resubmit your application at any time.



Your Contract with NRCS

If your application is selected for funding, you must sign a contract, which will obligate federal monies to fund your project. By doing so, you are entering into an agreement where both parties – you and NRCS – have responsibility.

The contract specifies conservation practices that you will complete, detailing where, when and how many, as well as associated contract payments. The conservation plan will also provide references that detail how the work is to be done, such as job sheets specific to your project.

The contract consists of three documents, each requiring a signature of the program participant:

- ▶ **The Contract Document [CPA-1202]**, identifying the amount of money the participant will receive over the life of the contract and the period of performance, or expiration date of the contract.
- ▶ **The Appendix to the CPA-1202**, which provides a detailed description of the responsibilities of all parties to the contract – **READ THIS CAREFULLY**.
- ▶ **The Schedule of Operations [CPA-1155]**, which lists each practice to be implemented through the contract, including dates of implementation, extent of each practice planned, and amount of money approved for each practice.

Other documents that you'll be asked to sign and date:

- ▶ **The conservation plan**, which details your goals for your operation.
- ▶ **Conservation District Agreement** form
- ▶ The **application ranking summary report** details how your application was evaluated. This will be kept on file at the NRCS office for future reference. (Modifications to a contract may affect the ranking score and will be considered when reviewing proposed changes.)

The Contract and Appendix

It's important that NRCS staff review with you your contract and the appendix to your contract. These documents establish the terms of the contract with NRCS. It is critical to understand your responsibilities regarding the contract.

NRCS will honor the terms of the contract in order to help you successfully complete your project. NRCS must also honor terms that include terminating the contract and recovering costs from you, if you don't comply with all the terms detailed in the contract appendix.

The Schedule of Operations

The Schedule of Operations [NRCS-CPA 1155] is part of your contract and your conservation plan. This document details each conservation practice, the payment rate, and when the practice is scheduled to be completed. Both you and NRCS must fulfill certain responsibilities in order to complete conservation practices on time.

You are responsible for securing all permits needed, hiring and paying any contractors needed, and promptly communicating with NRCS about any barriers arising that may change the contract's completion schedule.

NRCS is responsible for scheduling and completing technical assistance to complete designs or other technical plans not slated for technical service providers (TSP) assistance.

What should I know about the terms of the contract appendix?

FAQ The following are some of the most significant highlights of the contract appendix, but all items in the appendix are essential for a successful contract:

- ▷ Establish or implement the contracted practices, to NRCS standards and specifications, as scheduled, and operate and maintain these practices for the intended purpose and life span, as identified in the contract
- ▷ Do not start a practice before the contract is fully executed
- ▷ Apply at least one practice within 12 months
- ▷ Notify NRCS of the loss of control of land under the contract
- ▷ Discontinue work or practice implementation immediately if a previously unknown endangered species, cultural, archeological, or historical site is encountered



IMPORTANT

★ All payments received as part of a contract are reported to the United States Internal Revenue Service (IRS). You will receive a 1099 form for payments you received for the applicable tax year.

NRCS can initiate cost recovery if contract requirements are not met.

What are liquidated damages?

FAQ Liquidated damages are the expenses incurred that the parties to a contract agree to pay in the event of a breach. This is specified in the appendix to your contract with NRCS under Recovery of Costs.

TIP

▶ Here's the bottom line on who's responsible for what when you participate in a Farm Bill conservation program.

- ▶ **You** are ultimately responsible for the proper construction and maintenance of a conservation system.
- ▶ **The contractor** is responsible for constructing the system according to design and specifications, for quality control and safety.
- ▶ **NRCS** is responsible for inspecting and certifying that the project plan and specifications are met.

What is a TSP?

FAQ Technical Service Providers are conservation professionals from the private sector, non-profit organizations and public agencies that can provide direct technical assistance on behalf of USDA. Technical assistance includes conservation planning and design, layout, installation and checkout of approved conservation practices.

NRCS and conservation districts have traditionally provided these technical services and will continue to do so. Since the 2002 Farm Bill, however, USDA offers producers the option of reimbursement for technical assistance provided by certified Technical Service Providers.

If you are applying for funding for a forest management plan or an agricultural energy management plan, you will have to hire a TSP to develop the plan.

NRCS Standards and Specifications

As an NRCS program applicant, it's important to understand why this assistance is available and why the agency requires that each practice be completed to meet NRCS' standards and specifications.

For the public dollar invested in the contract, there must be a public benefit in terms of solving natural resource concerns. Success is measured by completing conservation practices, so NRCS must certify that the practice was done to the agency's requirements. Planners will identify any practice needing NRCS inspection before installation; you'll be required to notify NRCS at least one week prior to the installation date.

Program Participant and NRCS Responsibilities

It's important that you understand your responsibilities in all phases of your contract, from planning and design, through implementation and maintenance. By understanding your role, you can avoid inconvenient and costly delays, as well as possible breach and termination of your contract. If technical assistance is provided by a Technical Service Provider (TSP), the design must meet NRCS standards and specifications and be certified by the TSP.

As the program participant, you are likely the person responsible for making decisions for the property. You may be the landowner, or you may be an operator or farm manager. The landowner is the final authority and as such should be included in all phases of the project. With structural measures that require engineering, a pre-implementation meeting with the contractor and landowner present is a requirement.

Summary of Responsibilities

The Program Participant:

- ▶ Makes planning decisions
- ▶ Contacts NRCS at least one week prior to the start of work
- ▶ Hires competent contractor(s), as needed
- ▶ Makes payments for work and materials, as incurred
- ▶ Acquires permits
- ▶ Follows federal, state and local laws
- ▶ Satisfies archeological and wetland regulations

The Contractor:

- ▶ Contacts Dig Safe prior to starting construction
- ▶ Supervises construction
- ▶ Purchases and/or processes specified materials
- ▶ Follows plan drawings and specifications
- ▶ Is responsible for quality control and safety
- ▶ Verifies compliance with standards and specifications
- ▶ Trains employees on job safety and health
- ▶ Insures safe, healthy conditions prevail on the construction site

NRCS:

- ▶ Explains conservation practices and alternatives
- ▶ Follows an inspection plan
- ▶ May provide design assistance
- ▶ Certifies completion of practices to NRCS standards and specifications
- ▶ Approves contract payment to participant(s)

Your Information: What's Public and What's Private?

As a federal government agency, NRCS is bound by several federal laws that govern what information about your program participation is releasable and what is not.

The Freedom of Information Act

The Freedom of Information Act (FOIA) is a federal law that allows any person the right to obtain federal agency records. All United States government agencies are required to disclose records upon receiving a written request for them, except for those records that are protected from disclosure. This right of access is enforceable in court.

Any person can request access to NRCS records. Requests must be in writing and indicate that the request is made under the Freedom of Information Act. The agency's Freedom of Information Act officer will determine whether the requested information is exempt from mandatory disclosure. For example, information that is classified to protect national security, proprietary business information and private personal information is protected.

The Privacy Act of 1974

The Privacy Act of 1974 was enacted to protect U.S. citizens against unwarranted invasions of their privacy stemming from the collection, maintenance, use and disclosure of personal information by federal agencies. It also grants people the right to access their own records maintained by government agencies, unless those records are covered by an exemption. It also provides procedures for correcting errors in records.

The Privacy Act requires that federal agencies take steps to protect private information. NRCS employees whose duties require handling records must, at all times, protect the integrity, security and confidentiality of the records. All private information is kept in secure areas when not in use during office hours.

Section 1619 of the Farm Bill

Section 1619 of the Farm Bill prohibits USDA from disclosing certain information that has been provided by agricultural landowners and producers in order to participate in USDA programs, except as necessary for delivering technical assistance. Some information developed by the agency concerning your property is also protected.

Section 1619 of the Farm Bill prohibits the release of information that falls into these categories:

- ▶ Information concerning the operation, practices or the land itself.
- ▶ Geospatial information, such as maps, surveys, and charts. Aerial photographs may be protected only if they contain data identifying characteristics of the agricultural land.

Section 1619 does not prohibit the disclosure of payment information, including the names and addresses of USDA payment recipients. Section 1619 does not apply to statistical or aggregated information that protects the name of individual agricultural producers, owners or sites.

You may give consent to information disclosure, however. Consent must be provided in writing and include your name, which information is to be released, to whom the data is to be released, and the length of time the data is to be available for release. You are not required to give your consent in order to participate in or receive any benefit under a USDA program.

Sometimes it's necessary for NRCS to share your information with partner agencies in order to implement conservation programs. This is permitted under Section 1619, if the partner agency has signed a Memorandum of Understanding with NRCS.

What information does Section 1619 protect?

FAQ Examples of documents that may be withheld under Section 1619 of the Farm Bill include, but are not limited to:

- ▶ conservation plans
- ▶ wetland determinations
- ▶ Highly Erodible Land determinations
- ▶ acreage amounts
- ▶ assistance notes
- ▶ National Resources Inventory data
- ▶ flood damage surveys
- ▶ program contract information



TIP

Share Your Conservation Story! One of the best ways to educate others about natural resource conservation is by sharing your own conservation story. A personal account of your work with NRCS will help other farmers and landowners to understand how NRCS can help them, too.

Here are ways that you can help:

- ▶ Be featured in a conservation success story produced by NRCS.
- ▶ Be available to be interviewed by local news media.
- ▶ Host a site tour for visiting dignitaries, reporters or the public.

Please let your NRCS District Conservationist know if you're willing to do any of the above. He or she will connect you with our public affairs staff.

Glossary

Agricultural land: Cropland, grassland, pasture and other agricultural land on which agricultural and forest products or livestock are produced and where resource concerns can be addressed.

Beginning farmer: A farmer who has been farming fewer than 10 years.

Conservation practice: A structural, vegetative or management measure taken to maintain or improve the condition, productivity, sustainability or usability of targeted resources. Examples of conservation practices include cover crops, nutrient management, manure storage facilities and wildlife habitat improvement.

Contract: A binding agreement for the transfer of financial and technical assistance from NRCS for the installation and maintenance of specific conservation practices as scheduled and agreed to by NRCS and the participant.

Limited-resource farmer: A farmer with limited financial resources. Determine eligibility at: www.lrftool.sc.egov.usda.gov.

Non-industrial forest land: Rural land that has existing tree cover or is suitable for growing trees and is owned by any non-industrial private individual, group, association, corporation, Indian tribe or other private legal entity that has definitive decision-making authority over the land.

Socially disadvantaged: People who belong to racial or ethnic groups that have historically been subjected to prejudice.

Conservation Compliance - Don't lose your benefits!

Eligibility for most USDA program benefits is contingent upon compliance with the Highly Erodible Land and Wetland Conservation provisions of the Food Security Act of 1985, as amended. These requirements are detailed in form AD-1026, which all USDA program applicants must complete and sign.

Have you, will you or are you thinking about doing any of the following activities that have not been evaluated by NRCS on your farm?

- | | |
|---|---|
| ▶ Land clearing | ▶ Land leveling |
| ▶ Working new land | ▶ Dredging an area |
| ▶ Excavation | ▶ Filling an area |
| ▶ Stump removal | ▶ Planting an agricultural commodity on land where an NRCS determination of Highly Erodible Land (HEL) or wetland has not been made |
| ▶ Create a new drainage system | |
| ▶ Constructing a building or structure | |
| ▶ Improving, modifying or maintaining an existing drainage system | |

If you answered yes to any of the above and want to remain eligible for USDA program payments, you **MUST** file an updated form AD-1026 with the USDA Farm Service Agency.

Contact us

www.ma.nrcs.usda.gov

- **Greenfield Field Office**
Serving Franklin County
55 Federal St.,
Greenfield, MA 01301
413-772-0384 ext. 3
- **Hadley Field Office**
Serving Hampden and Hampshire counties
195 Russell St.,
Hadley, MA 01035
413-585-1000 ext. 3
- **Holden Field Office**
Serving Worcester County
52 Boyden Rd.,
Holden, MA 01520
508-829-4477 ext. 3
- **Pittsfield Field Office**
Serving Berkshire County
78 Center St., Suite 206,
Pittsfield, MA 01201
413-443-1776 ext. 3
- **Westford Field Office**
Serving Essex, Middlesex and Suffolk counties
319 Littleton Rd.,
Westford, MA 01886
978-692-1904 ext. 3
- **West Wareham Field Office**
Serving Bristol, Norfolk and Plymouth counties
15 Cranberry Hwy.,
West Wareham, MA 02576
508-295-5151 ext. 2
- **West Yarmouth Field Office**
Serving Barnstable, Dukes and Nantucket counties
303 Main St., Route 28, West
Yarmouth, MA 02673-4661
508-771-6476